

**RECORD OF ACTION
TOWN OF IPSWICH**

**SPECIAL TOWN MEETING
OCTOBER 16, 2006**

Pursuant to the foregoing warrant, the legal voters of the Town of Ipswich met in the Performing Arts Center at the Ipswich High School in said Town of Ipswich on Monday, October 16, 2006. a quorum being present (235 present – 200 required) the meeting was called to order by the Moderator, Arthur James Grimes III, at 8:05 p.m.

Non registered persons were given permission to attend the meeting as spectators and seated on the floor to the left of the stage.

ARTICLE 1 On motion of Ms. Ingrid Miles, duly seconded, it was

VOTED UNANIMOUSLY (9/10 vote required) to:

(a) appropriate the sum of **\$757.55** to pay unpaid bills incurred in prior years and remaining unpaid:

Overhead Door Co.	Consolidated Maint.	305.00
Ipswich Utilities	Consolidated Maint.	10.84
Avaya	Police	267.71
Dept. Veteran Affairs	Veteran Services	<u>174.00</u>
	TOTAL:	757.55

and (b) to meet this appropriation by raising \$757.55 from Fiscal 2007 taxes.

ARTICLE 2 On motion of Mr. Patrick McNally, duly seconded, it was

PASSED BY VOICE VOTE to:

Amend its action taken under Article 5 of the April 3, 2006, Annual Town Meeting (the FY'07 Municipal Operating Budget), as follows:

a) transfer **\$45,000** from free cash to be added to the Miscellaneous Finance, Management Transfer Account (193-5110) to fund the 1% salary and wage increase for bargaining and exempt employees scheduled for January 1, 2007; and

b) transfer **\$4,500** from free cash to the Library Department, Salaries Account (610-5116) to replace a Library employee for a period of four months on unanticipated medical leave; and

c) transfer **\$5,542** from free cash to the Legal Department, Expenses Account (124-5312) to

reimburse the Town for legal fees expended for the NUFIC litigation; and

d) transfer **\$188,517** from the General Fund -- FEMA reimbursements to the Public Works Department, Highway Division, Road Treatment Account (424-5242) for expenses incurred during the May 2006 flood emergency;

so that the total Fiscal 2007 municipal operating budget of **\$12,804,986**, as so amended and inclusive of override debt service shall total **\$13,058,545**

DEFEATED BY A VOTE (56 IN FAVOR-89 OPPOSED) MOTION MADE BY CLARK ZIEGLER TO AMEND ARTICLE 2 AS FOLLOWS:

Amend its action taken under Article 5 of the April 3, 2006, Annual Town Meeting (the FY'07 Municipal Operating Budget), as follows:

a) transfer **\$45,000** from the General Fund --FEMA reimbursement to be added to the Miscellaneous Finance, Management Transfer Account (193-5110) to fund the 1% salary and wage increase for bargaining and exempt employees scheduled for January 1, 2007; and

delete section b; and

c) transfer **\$5,542** from free cash to the Legal Department, Expenses Account (124-5312) to reimburse the Town for legal fees expended for the NUFIC litigation; and

d) transfer **\$143,517** from the General Fund -- FEMA reimbursements to the Public Works Department, Highway Division, Road Treatment Account (424-5242) for expenses incurred during the May 2006 flood emergency;

so that the total Fiscal 2007 municipal operating budget of **\$12,755,486**, as so amended and inclusive of override debt service shall total **\$12,999,045**

ARTICLE 3 On motion of Mr. Edmund Traverso, duly seconded, it was

VOTED UNANIMOUSLY to:

Amend its action taken under Article 6 of the April 3, 2006, Annual Town Meeting (the FY'07 School Operating Budget):

a) by transferring a sum of **\$133,386** from free cash (Medicaid reimbursement); and

b) by transferring a sum of **\$81,313** be added from free cash (NUFIC lawsuit settlement); and

c) by appropriating a sum of **\$48,659** in available Chapter 70 funds be added to the School Department budget;

so that the total appropriation under this article will increase from **\$17,484,172** to **\$17,747,530**.

ARTICLE 4 On motion of Mr. James Foley, duly seconded, it was

PASSED BY VOICE VOTE to:

Amend its action taken under Article 9 of the April 3, 2006, Annual Town Meeting (the FY'07 Whittier budget) by increasing the appropriation from **\$400,720** to **\$509,935** to meet the FY'07 assessment, said sum to be transferred from free cash.

ARTICLE 5 On motion of Ms. Elizabeth Kilcoyne, duly seconded, it was

VOTED UNANIMOUSLY to:

to amend its action taken under Article 10 of the April 3, 2006, Annual Town Meeting (the FY'07 Sewer Division Operating Budget) by increasing the appropriation to be raised and assessed from **\$1,275,272** to **\$1,355,669**, said sum to be offset by revenues from the Sewer Division during FY'07.

ARTICLE 6 On motion of Ms. Ingrid Miles, duly seconded, it was

VOTED UNANIMOUSLY (2/3 vote required) to:

Amend its action taken under Article 11 of the April 3, 2006, Annual Town Meeting (Chapter 90 appropriation), by increasing the Chapter 90 appropriation by **\$120,120** so that the total Chapter 90 appropriation for FY'07 totals **\$512,120**, the additional amount to be offset by increased Chapter 90 funds from the Commonwealth of Massachusetts.

ARTICLE 7 On motion of Ms. Ingrid Miles, duly seconded, it was

VOTED UNANIMOUSLY to:

Indefinitely postpone this article.

ARTICLE 8 Reports of the following committees were

PASSED BY VOICE VOTE

Community Development Plan Implementation Task Force
Committee on Energy Use
Recycling Committee
Cable Advisory Committee
Athletic Field Study Committee

ARTICLE 9 On motion of Mr. Patrick McNally, duly seconded, it was

PASSED BY VOICE VOTE to:

Accept Section 37M of M.G.L. Chapter 71 (Consolidation of Administrative Functions with the Town).

ARTICLE 10 On motion of Mr. James Foley, duly seconded, it was

VOTED UNANIMOUSLY to:

Amend Article 18 of the Warrant for the April 3, 2000 Annual Town Meeting by adding the following parcels to the Open Space Parcels List:

- a) Land now/formerly of Frederick A. Wegzyn, 71 Town Farm Road, also known as Assessor's Map 21, Parcel 82, consisting of approximately 7.0 acres at the corner of Town Farm and Greens Point Roads;
- b) Land now/formerly of Pony Express Farms, Inc., 24 Candlewood Road, also known as Assessor's Map 63, Parcel 4, consisting of approximately 94.17 acres;
- c) Land now/formerly of M+L Realty Trust, Assessor's Map 53B, Lot 44, consisting of approximately 44 acres between Ipswich Woods Drive and the Ipswich River, just south of Colonial Drive.

ARTICLE 11 On motion of Mr. Patrick McNally, duly seconded, it was

VOTED UNANIMOUSLY to:

Appropriate, and authorize the Treasurer as listed on the Open Space Parcels list as amended with the approval of the Selectmen, under Article 18 of the April 3, 2000, Annual Town Meeting, to borrow \$110,000 for the purpose of purchasing for conservation and passive recreation purposes, by negotiated purchase or otherwise, the fee simple interest in a tract of land totaling 44 acres, more or less, shown as Lot 44 on Map 53B of the Ipswich Assessor's maps, and

further identified as Parcel A (36+ acres) and Parcel C (8.2+ acres) on a survey plan titled "Plan Accompanying A.N.R.A.D.", prepared for Habitech, Inc. by Northpoint Survey Services, 180 Water Street, Haverhill, MA, 01830, dated January 26, 2004, including costs incidental and related thereto; that said land be conveyed to the Town of Ipswich acting by and through its Conservation Commission under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and as it may hereafter be amended and other Massachusetts statutes relating to Conservation, to be managed and controlled by the Conservation Commission of the Town of Ipswich, and that the Conservation Commission be authorized to file on behalf of the Town of Ipswich any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts under the Self-Help Act pursuant to Chapter 132A, Section 11 and/or any other state and/or federal programs in any way connected with the scope of this Article, and that the Board of Selectmen and the Conservation Commission be authorized to take all actions, enter and execute any and all instruments, including a Self-Help Project Agreement with the Commonwealth of Massachusetts, which may contain restrictions and covenants, as may be necessary on behalf of the Town to effect said acquisition.

ARTICLE 12 On motion of Ms. Elizabeth Kilcoyne, duly seconded, it was

VOTED UNANIMOUSLY (2/3 vote required) to:

Amend its action taken under Article 20 of the April 7, 2003, Annual Town Meeting (High Street Sewer Extension) by appropriating **\$159,000** in addition to **\$116,000** appropriated under said Article 20 bringing the total appropriation to **\$275,000** for construction of a sanitary sewer extension to serve the area of 199-225; and to raise this appropriation by authorizing the treasurer, with the approval of the Board of Selectmen, to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended.

ARTICLE 13 On motion of Mr. Michael Ryan, duly seconded, it was

VOTED UNANIMOUSLY (2/3 vote required) to:

Amend the Protective Zoning Bylaw of the Town of Ipswich by amending "IX. SPECIAL REGULATIONS, I. Inclusionary Housing Regulations" as follows:

1. by revising "3.a." as follows:

- a) by deleting in the first sentence the words "70% for rental housing" and substituting in lieu thereof "60 percent for rental housing"; and
- b) by adding a new second sentence, said sentence to read as follows: "The sales price or monthly rent shall, in all instances, be such that the dwelling unit qualifies as local initiative unit under the Commonwealth's Local Initiative Program (LIP) and meets the requirements of a subsidized housing unit for the purposes of listing in the Town's

subsidized housing inventory under G.L.C. 40B Sec. 20-23.”; and

- c) by deleting in the second sentence the words “60 percent” and substituting in lieu thereof “50 percent”; and
- d) by deleting in the third sentence the words “33 percent” and substituting in lieu thereof “30 percent”; and

- 2. by revising “2.b.” by deleting the words “minimum lot size of the new lot is 43,560 square feet” and substituting in lieu thereof the words “minimum lot sizes of the new lot and the remaining parcel are 43,560 square feet each, or for large lot exceptions, three acres.”

ARTICLE 14 On motion of Mr. Timothy Purinton, duly seconded, it was

VOTED UNANIMOUSLY (2/3 vote required) to:

(1) Amend the Protective Zoning Bylaw of the Town of Ipswich by:

a) Amending “**III. DEFINITIONS**” as follows:

- Revise definition of “**COMMON DRIVEWAY**”, first sentence, by deleting the words “detached single-family residences may be located” and substituting in lieu thereof the following: “single-family or two-family residences may be located, except as otherwise provided in Section IX.A.6. of this Bylaw.”;
- Add definition of “**PARKING LOT OR STRUCTURE, COMMERCIAL**”, to read as follows: “A designated area or structure used for the parking and storage of vehicles which is operated as a business and open to the public for a fee.”
- Modify definition of “**INN**” by deleting the existing language in its entirety and substituting in lieu thereof the following: “A building or group of buildings containing no more than 15 guest rooms without individual cooking facilities for transient occupancy and let for compensation. A restaurant, dining room, and/or related retail and consumer services, intended primarily for serving the guest room occupants and only incidentally the public, may be provided within the building or buildings.”; and
- Modify definition of “**HOTEL, MOTEL**” by deleting the existing language in its entirety and substituting in lieu thereof the following: “A building or group of buildings with more than 15 guest rooms without individual cooking facilities for transient occupancy and let for compensation. A restaurant, dining room, or related retail and consumer services, may be provided within the building or buildings.”; and
- Revise definition of “**LOT LINE, SIDE**” by adding, to the end of the second sentence, the phrase “, notwithstanding Section VI.G.5. of this zoning bylaw.”; and
- Revise definition of “**MULTI-FAMILY RESIDENTIAL DEVELOPMENT**” by deleting the words “or two”; *** See further amendment below.

b) Amending “**V. USE REGULATIONS**” as follows:

- For the use “Inn” under the “Commercial” heading, add a footnote “25.”, said footnote to read as follows: “25. The uses ‘Inn’ and ‘Multi-family dwelling units’ shall be allowed in the same building only by special permit from the Planning Board.”;

- Revise “**FOOTNOTES TO TABLE OF USE REGULATIONS**, footnote 23” as follows: Amend the first sentence by deleting the words “dormers or other” and by adding, to the end of the sentence, the phrase “, or exterior changes that, in the opinion of the Planning Board, enhance the architectural or historical character of the building.” *****See further amendment below.**
- c) Amending “**VI. DIMENSIONAL AND DENSITY REGULATIONS**” as follows:
- Amend “B. Table of Dimensional & Density Regulations” as follows:
 - For the use “Mixed Residential/Business Use” in the Central Business and General Business Districts, under the column “Minimum Lot Area” add a footnote “30.” to the lot area requirement, said footnote to read as follows: “30. Provided that the lot upon which the mixed residential/business use is located is at least 5,000 square feet in area, no additional area is required for non-residential uses.”;
 - Within the Rural Residence B (RRB) row, add the use “Two-family”, and assign it the same dimensional and density requirements as those required for a Two-family use as allowed in the Rural Residence A and C Districts (RRA & RRC);
 - Revise “F. Requirements for Accessory Buildings and Structures” as follows: modify third sentence by adding the words “or porches or other similar structures” after the word “decks” and by adding the words “or porch or other similar structure” after the word “deck”; modify the fifth sentence, by replacing “600” with “750”;
 - Revise “**FOOTNOTES TO TABLE OF DIMENSIONAL AND DENSITY REGULATIONS**” as follows:
 - Modify footnote “26.” by deleting the existing language in its entirety and substituting in lieu thereof the following: “This requirement shall apply to: (a) all conforming lots in existence as of the effective date of this bylaw; and (b) all developments that fulfill the requirements of Section IX.I. (Inclusionary Housing Requirements) or are expressly exempted from said Section IX.I requirements because they create only one single-family detached or attached dwelling, provided that a suitable restriction is recorded at the Essex South Registry of Deeds prohibiting the creation of additional units on the lot(s).”;
 -
- d) Amending “**VIII. SIGNS**” as follows:
- Revise “B. Application” by adding, after the first sentence, the following sentence: “Signs associated with properties requiring special permit or site plan review approval shall also require approval by the special permit granting authority, or in the case of site plan approval, the Planning Board.”;
 - Revise “C. Definitions” as follows:
 - Amend the definition of “Sign” by renumbering “5.” and “6.” to “6.” and “7.”, respectively; adding a new paragraph 5., to read as follows:

“5. Hanging sign: Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade or marquee sign.”;

and by revising the second sentence of “7. Sandwich Board Sign”, as follows: delete the words “shall not be” and substitute in lieu thereof the words “shall have no”; delete the words “as calculated for” and substitute in lieu thereof the words “on each side of a”; and delete the words “(diagram #1)”;

- Revise “D. Sign Requirements per Zoning District”, paragraph 4., as follows:
 - Amend “b.” by deleting the first sentence in its entirety and substituting in lieu thereof the following: “One hanging sign per business.”

e) Amending “IX. **SPECIAL REGULATIONS**” as follows:

- Revise “A. Open Space Preservation Zoning, 5.d.”, by deleting (1) in its entirety and renumbering (2) through (6) accordingly;
- Revise “J. Accessory Apartment” as follows:
 - Modify “2m.”, second sentence, by deleting the phrase “and the declaration of covenants”; and
 - Modify “2h.” by deleting the second sentence in its entirety and substituting in lieu thereof the following: “If the dwelling is located on a lot that does not conform to the dimensional requirements of this bylaw, then the alterations shall not expand the footprint or the envelope of the building, as it existed on the effective date of this bylaw, by more than 25%, or 500 square feet, whichever is greater.”; and

(2) Amend the Official Zoning Map of the Town of Ipswich by extending the Central Business (CB) District southwesterly 145^{+/-} feet along the easterly street line of South Main Street, thence easterly in a perpendicular line from South Main Street a distance of 177^{+/-} feet to a point, thence N38°E 96 feet ^{+/-} to the southerly street line of Elm Street, thence southeasterly along said street line 208 feet ^{+/-} to South Main Street, as shown on the attached map;

And to further amend the above with the following change:

Under (1) a), revise the sixth bullet by adding, to the end of the bullet, the words “from the phrase beginning with ‘provided that’”;

Under (1) b), 2nd bullet, delete the words “enhance the historical integrity of the building” and substitute in lieu thereof the words “, in the opinion of the Planning Board, enhance the historical or architectural character of the building”

ARTICLE 15 On motion of Ms. Elizabeth Kilcoyne, duly seconded, it was

VOTED UNANIMOUSLY to:

Authorize the Board of Selectmen to accept the deed from the Ipswich Historical Society of a gift of the fee simple interest in land located on County Street near its intersection with Elm Street, said property being 4,050 square feet in area and shown as Lot 4 on Land Court Plan 340I, on file with the town clerk’s office; and further that the Board be authorized to accept the gift pursuant to certain terms and conditions, one of which shall be a restriction prohibiting any building from being erected on the property and others of which may include, but not necessarily be limited to, requirements to make certain improvements to the property subject to approval of the Historical Society, and a release and hold harmless of the Historical Society from liability or any hazardous materials that may be contained within the property.

ARTICLE 16 On motion of Mr. James Foley, duly seconded, it was

VOTED UNANIMOUSLY to:

to accept the provisions of Section 23D of MGL Ch. 39 (allowing members of any municipal board, committee or commission not to be disqualified from voting in an adjudicatory hearing solely due to the absence from no more than a single session of the hearing at which testimony or other evidence is received).

ARTICLE 17 On motion of Ms. Elizabeth Kilcoyne, duly seconded, it was

VOTED UNANIMOUSLY to:

Indefinitely postpone this article.

ARTICLE 18 On motion of Mr. Edward Rauscher, duly seconded, it was

VOTED UNANIMOUSLY to:

To modify Chapter XI of the Town's General Bylaws, Section 2. Conveyances of Land by adding the following section 2(d):

- (d) The Board of Selectmen is authorized to grant nonexclusive easements for walkway and sidewalk purposes, storm drainage, including above ground and below ground purposes, utility purposes, building or signage overhang purposes and for the purpose of rounding street corners, which the Board of Assessors have determined to have a fair market value of less than \$25,000 or which are less than 5,000 square feet in size without a Town Meeting vote for such consideration as the Board of Selectmen deems appropriate, including nominal consideration.

ARTICLE 19 On motion of Mr. James Foley, duly seconded, it was

VOTED BY A MAJORITY (30 IN FAVOR-19 OPPOSED) to:

Authorize the Board of Selectmen to petition the General Court for special legislation as set forth in Article 19 of the Warrant for the October 16, 2006, Special Town Meeting.

ARTICLE 20 On motion of Mr. Patrick McNally, duly seconded, it was

VOTED UNANIMOUSLY to:

Indefinitely postpone this article.

The meeting was adjourned at 10:29 p.m.

Respectfully submitted,

**Pamela Z. Carakatsane, CMC
Town Clerk**